

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IN RE: TAFT

Case No. 2:13-cv-01357-JCM-CWH

**ORDER**

Philip J. Taft ("Taft") submitted a Notice of Appeal (#1) on July 30, 2013. He appears to request review of an order by the Nevada Supreme Court terminating his parental rights in June of 2013. No motion/application to proceed *in forma pauperis* was submitted along with his filing.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 along with an administrative fee of \$50.00 is required to commence a civil action in federal district court. The court may authorize the commencement of an action "without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefore." 28 U.S.C. § 1915(a). Taft appears to reside in the High Desert State Prison. Therefore, in order to proceed in this action without paying the filing fee, he is required to submit a motion/application to proceed *in forma pauperis* on the appropriate prisoner affidavit form. He failed to submit such an affidavit or pay the filing fee for over 270 days. Accordingly, the Court will grant him thirty days to submit a completed motion/application on the required prisoner form before recommending that this action be dismissed for failure to pay the filing fee.

Furthermore, a preliminary screening of the Notice (#1) indicates that diversity and federal question jurisdiction do not exist. Accordingly, Taft should file a new complaint that clearly states grounds for diversity or federal question jurisdiction. If Taft is unable to provide sufficient facts to support finding diversity of federal question jurisdiction exists, then the Court will recommend that this action be dismissed for lack of subject matter jurisdiction.

Based on the foregoing and good cause appearing therefore,

**IT IS HEREBY ORDERED** that the Clerk of the Court shall mail Taft a blank prisoner

1 motion/application to proceed *in forma pauperis* at his last known address:

2 Philip J. Taft #1081352

3 High Desert State Prison

4 P.O. Box 650

5 Indian Springs, NV 89070

6 **IT IS FURTHER ORDERED** that Taft shall have until **Thursday, May 29, 2014** to file a  
7 completed Prisoner Motion/Application to Proceed *In Forma Pauperis* along with a complaint. In the  
8 alternative, he may make the necessary arrangements to pay the filing fee of four hundred dollars  
9 (\$400), accompanied by a copy of this Order. Failure to comply with this Order will result in a  
10 recommendation to the District Judge that this action be dismissed.

11 Dated this 29th day of April, 2014.

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15 **C.W. Hoffman, Jr.**  
16 **United States Magistrate Judge**  
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